

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

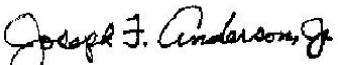
UNITED STATES OF AMERICA) CR No.: 0:07-316-JFA
)
v.)
) ORDER
JAMES ISSAC COLE, JR.)
)
)

Upon motion of the defendant under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at U.S.S.G. § 1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion (ECF No. 68) is DENIED. The defendant's sentence was governed in large part by the statutory mandatory minimum sentence of 240 months imprisonment for his conviction. The court departed downward from the 240-month mandatory minimum sentence pursuant to U.S.S.G. § 5K1.1, and arrived at a new sentence of 151 months. Amendment 750 does not apply to this situation because it does not have the effect of lowering the defendant's guideline range, due to the application of the mandatory minimum sentence from which the court departed. For this reason, the motion must be denied.

IT IS SO ORDERED.

March 12, 2012
Columbia, South Carolina


Joseph F. Anderson, Jr.
United States District Judge